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I, Lisa Mansur, hereby certify that this correspondence, pursuant to 37 C.F.R. §1.8, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

Date: October 8, 2004

By

Lisa Mansur

**IN THE UNITED STATES PATENT AND  
TRADEMARK OFFICE**

Applicant(s):	Jonathan W. Hubbs	Docket No.:	29092.00011
Application No.:	09/751,025	Group Art Unit:	1755
Filing Date:	December 29, 2000	Examiner:	Brunsmann, David M.
TITLE:	MALLEABLE SURFACE MATERIAL		

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**


Commissioner:

Applicant disagrees with the Examiner's statements of reasons for allowance and does not acquiesce in any of the Examiner's reasons. This case went to Appeal and was allowed based on the scope of the claims in view of the prior art and positions taken in Applicant's Appeal Brief. The after-the-fact arguments by the Examiner are not consistent with Applicant's position, nor do they properly define the scope of the claims or the differences between the claimed inventions and the prior art.

In summary, the scope of the allowed claims is defined by the specification, the claims, and the prosecution history, without reliance in any way on the Examiner's statement of reasons for allowance. Applicant disagrees with and does not acquiesce in the Examiner's statement of reasons for allowance.

Respectfully submitted,

Dated: October 8, 2004

By   
David E. Rogers  
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